

BACKGROUND TO ASUU/FGN AGREEMENTS

Written by Administrator

Wednesday, 05 March 2008 10:37 - Last Updated Wednesday, 05 March 2008 14:09

The Academic Staff Union of Universities (ASUU) has called this Press Conference to brief the Nigerian public, through your media organisations, about the state of affairs in the negotiation between ASUU and the Government of Nigeria. We have decided that the briefing is necessary because it appears, once again, that Government has been playing with what is called negotiations, the consequences of which are familiar. The Federal Government of Nigeria (FGN) negotiated and signed agreements with the Academic Staff Union of Universities (ASUU) in 1981, 1992, 1999 and 2001. The 1981 Agreement established the principle of collective bargaining, in line with the International Labour Organisation (ILO). It provided a platform for resolving such important issues as salaries and conditions of service of Academic Staff; funding and the roles of Pro-Chancellors and other functionaries associated with the running of Universities.

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The 1992 Agreement, in addition to the above provisions, covered such other vital aspects like University Autonomy and Academic Freedom. The 1999 Agreement concentrated on academic allowances and some other conditions of service, as the then government which was transitional, insisted that it did not have enough time to discuss and agree on all areas as contained in the 1992 Agreement.

Government did acknowledge that FGN and ASUU needed a comprehensive agreement to address the decay and rot in the system and the issue of the brain drain, twin factors that had noticeably began to rob the Nigerian Universities of their former standing as centres of excellence and of high rating amongst the community of Universities in the world.

The June 30 2001, Agreement, was seen as a step towards addressing these twin issues of Brain Drain and the Rot in Nigerian Universities. This Agreement acknowledged that to achieve the above goals, it had to comprehensively and comparatively deal with the issues of Funding, University Autonomy and Academic Freedom and Conditions of Service, if our Universities are to be internationally competitive. These were, therefore, negotiated and agreed upon to produce the 2001 ASUU/FGN Agreement.

This Agreement acknowledged that the problems of the Nigerian University system could not be addressed in one-fell-swoop. Hence the Agreement made provision for a three year budget

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estimates for the needs of the Universities and also stated, inter alia:

That the Agreement shall be comprehensively reviewed every three years.

This was to ensure that the Agreement was religiously implemented and that if there were problems of implementation, the two parties could come for negotiations on it. In order to evolve workable alternatives, the Agreement made provisions for an Implementation Committee.

Hopes were high that the Agreement, if properly implemented, would change the face and character of the Nigerian Universities and would reasonably begin to address the issues of brain drain and rot in the system.

It is sad to point out that Government within the three years (2001-2004) showed no serious commitment to the implementation of the provisions of the Agreements. This led to one or two strikes culminating in the setting up of the Dialogue Committee by the then Minister of Labour and Productivity. The work of that Dialogue Committee, alongside that of the Technical Committee produced a document which, again, if implemented would have started to address those basic issues earlier highlighted, and would have brought some stability to the system.

By early 2004, the year the Agreement was due for re-negotiation, it became apparent that the Federal Government had no intention whatsoever of implementing the provision of the agreement on renegotiation. However, as a law abiding organisation and to ensure continued stability in the system, ASUU commenced communication with relevant Government functionaries to alert it on the need for the re-negotiation of the 2001 Agreement which was to be due by July 1, 2004.

The communications between ASUU and Government and through its agencies, are listed below:

CHRONOLOGY OF MEETINGS AND COMMUNICATIONS BETWEEN ASUU AND THE FEDERAL GOVERNMENT OF NIGERIA

Letters

S/N Letters /Meetings Issues Date

- 1 Chairman Senate Education Committee Funding Requirement of ASUU-FGN Agreement
25/8/04
- 2 Honourable Minister of Education Again on the Renegotiation of the ASUU-FGN
Agreement 31/08/04
- 3 Letters to some members of NASS Funding Requirement of ASUU-FGN Agreement
01/12/04
- 4 Meeting of Fed. Min. of Labour, Education, NUC, CPC & CVC 3rd March Agreement
03/03/05
- 5 Meeting with some members of Education Committee of the NASS On the Renegotiation
of the ASUU-FGN Agreement 2001 28/04/05
- 6 Pro-Chancellors The 3rd March, 2005 Agreement 14/05/05
- 7 Vice-Chancellors The 3rd March, 2005 Agreement 14/05/05
- 8 Editors of All Nigerian Newspapers FGN failure to respond to the request for

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- Renegotiation of the ASUU-FGN Agreement 2001 22/06/05
- 9 Meeting with Director Higher Education Fed. Min. of Education Again on the Renegotiation of the ASUU-FGN Agreement 7/06/05
- 10 Meeting with Pro Chancellor of UNILORIN On the re instatement of the unjustly sacked 49 lecturers at UNILORIN 9/06/05
- 11 Honourable Minister of Education On your Appointment as Honourable Minister of Education 13/06/05
- 12 Honourable Minister of Education The 3rd March, 2005 Agreement 13/06/05
- 13 Meeting with the Honourable Minister of Education On Renegotiation of the ASUU-FGN Agreement and other issues 29/06/05
- 14 Senate President Another Breach of Agreement By Federal Government of Nigeria 14/06/05
- 15 Honourable Minister of Education ASUU National Executive Council Position on the Renegotiation of ASUU-FGN Agreement of 2001 15/11/05
- 16 Permanent Secretary Fed. Ministry of Labour and Productivity ASUU National Executive Council Position on the Renegotiation of ASUU-FGN Agreement of 2001 15/11/05
- 17 Permanent Secretary Fed. Ministry of Labour and Productivity On Renegotiation of the ASUU-FGN Agreement and other issues 25/11/05
- 18 Honourable Minister of Education Re: ASUU-FGN Agreements and Renegotiation of the 2001 Agreement 16/01/06
- 19 Permanent Secretary Fed. Ministry of Labour and Productivity Re: ASUU-FGN Agreements and Renegotiation of the 2001 Agreement 16/01/06
- 20 Chairman, House Committee on Education Request for a Meeting with Members of House Committee on Education 16/01/06
- 21 Honourable Minister of Education On Renegotiation of the ASUU-FGN Agreement 04/04/06
- 22 Minister of Labour & Productivity Re: Trade Dispute: FGN/ASUU 21/06/06
- 23
Honourable Minister of Education On the re-negotiation of the ASSU-FGN Agreement 19/8/2006
- 24
Speaker, House of Representatives On the re-negotiation of the FGN/ASUU June 2001 Agreement 31/8/2006
- 25
Senate President On the re-negotiation of the FGN/ASUU June 2001 Agreement 31/8/2006
- 26
Chairman, Senate Committee on Education On the re-negotiation of the FGN/ASUU June 2001 Agreement 31/8/2006
- 27
Chairman, House of Representatives Committee on Education On the re-negotiation of the FGN/ASUU June 2001 Agreement 31/8/2006

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It is worthy of note that it was not until October 12, 2006 that the Minister of Education constituted the Government Negotiating Team for a negotiation that had indeed been due since 2004. The inauguration was billed, in that letter, for Wednesday November 1, 2006. It is instructive to note that Madam Minister letter clearly defined the terms of reference as follows:

The Terms Of Reference (TOR) as contained in section 2.2 of the Agreement are as follows;

1. Funding of Universities
2. Basic Salary
3. University Autonomy and Academic Freedom
4. Other matters

Inauguration of the Negotiation Committee and its activities followed thereafter

ASUU remained with the conviction that the negotiations should be a serious, scientific and patriotic exercise, the main goal of which was to address in a comprehensive way the problem of Brain Drain, and to put in place an agreement on funding that would be adequate for restoring and rehabilitating Nigerian Universities so that they would be among the best in the world.

We had expected that with a thoughtful, sincere approach, both teams would arrive at a level of remuneration that would be good enough to draw international scholars to Nigeria (as it was before the mid- 1980s), attract Nigerian scholars back from all over the world, and keep the best scholars in the University System while encouraging the brightest graduates to take up teaching jobs in the Universities.

For this purpose, ASUU prepared a 127- page document Proposals for the Re-negotiation of the 2001 Agreement between the Federal Government of Nigeria and Government of State that own Universities and the Academic Staff Union of Universities.

The subject of ASUU Document of proposals were Introduction; Background, Problems and Issues; Conditions of Service; Funding of Universities; Institutional Autonomy and Academic Freedom; and Other Matters.

The first indication that the Government Team and ASUU Team had different ideas about the urgency of executing and concluding the negotiation process was that the Government Team proposed One Month Adjournment after the first meeting. When the Government Team insisted that the meeting of December 14, 2006 should be reconvened on Thursday January 23, 2007, ASUU Team could have rejected this. But it resolved to exercise patience.

A clearer sign that the Government Team was not prepared for a Collective Bargaining exercise was that when, on January 23, 2007 ASUU presented its 127 page proposal to the Government Team, the Government Team had no proposals, no position paper to exchange with ASUU.

The second indication that the Government Team had no intention of negotiating according to the principles of Collective Bargaining was the response of the Government Team on Wednesday January 24, 2007. The Government Team Position Paper showed that the Team

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was not ready for a comprehensive review of the 2001 Agreement as agreed between ASUU and the Federal Government. The Government Team Position Paper was essentially a presentation with a constant reiteration of the CONSOLIDATED SALARY STRUCTURE which government had already offered as a general increase (15%) in salary in the public service.

Offering the Consolidated Salary Structure, which was not negotiated, amounted to a unilateral change in the negotiation procedure already agreed with Government, to wit, to negotiate the items one after another, comprehensively, as in the 2001 Agreement. All ASUU proposals to negotiate allowances and basic salaries were referred to as CONSOLIDATED, meaning not open to negotiations. None of the Allowances proposed by ASUU were up for negotiation, contrary to the Collective Bargaining practices. A further indication that the Government Team had no mandate to negotiate was the constant substitution of the word, understanding and recommendations for Agreements. While ASUU Team insisted that the Team would, at the end of negotiation, sign an agreement on conditions of service, funding and autonomy, the Government Team repeatedly said the Teams would come up with recommendations.

There could be no negotiations on allowances and basic salaries because they were CONSOLIDATED. No negotiation could be done on funding; only suggestions could be made to influence future government actions. As for University Autonomy, the Government Team simply dismissed ASUU proposals by claiming that Universities already enjoy considerable degree of academic freedom and institutional autonomy.

ASUU Team could have withdrawn from the meeting on realising that the Government Team was not prepared to negotiate. But it considered the future of the University too important to give up so easily on an exercise which, if faithfully concluded, could make the difference in Nigeria future. Specifically ASUU decided to explore some common grounds between the two teams:

1. That there was a rot in the University System
2. That there was an urgent need for a solution to the problem on brain drain
3. That the exercise should aim at such a solution to this problem.

In particular, the Chairman stated that the CONSOLIDATED salary should be assessed as to its adequacy to deal with the issue of brain drain. ASUU Team believed that more dialogue would convince the Government Team of the need to follow the principles of Collective Bargaining which forbids either party from unilaterally altering any provision of an Agreement and which require that the product of collective bargaining is an agreement, not a suggestion, or understanding or a recommendation. This is why ASUU opted to go back to its principal, the National Executive Committee and report on Government Team insistence that the consolidated salaries were a substitute for a negotiated wage structure and that only suggestions could be made on funding; and there was no need to negotiate on autonomy.

On February 5th 2007, when the meeting resumed, ASUU Team pointed that the view of the Union Principals was that the Government Team insistence on consolidated salary structure, un-negotiated, was cancellation of the UASS structure and a violation of the cardinal principle of collective bargaining, and that the Government Team posture on funding and autonomy repudiated the letter from the Minister of Education informing ASUU that funding and autonomy

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would be negotiated. At this meeting, the Government Team only repeated its previous position which confused collective bargaining with a stakeholders forum, which it is not.

It became clearer that either the Government Team had no mandate to sign an agreement or it did not or was not prepared to negotiate.

Both are true. The Government Team did not come with any data of its own. It expected ASUU after producing data on education, funding, remuneration, budgetary allocation, international comparison on various aspects of university system, to produce verifications of its own data.

In previous exercises (1992, 2001), the Government Team did its work through NUC and obtained all the information, National and International, thereby corroborating ASUU figures. This time, the Government Team, on February 7th, 2007, insisted that universities should be contacted to obtain funding projections.

Despite this exercise of lack of preparedness on the part of Government Team, ASUU agreed but added that an agreement shall be signed on funding if the exercise was truly a negotiation. On that same day, ASUU presented to the Government Team, once again an itemisation of the components of its proposals on salaries and general allowances, having earlier obtained from the government side, through the National Salaries Income and Wages Commission, a similar breakdown of the consolidated salaries. This was expected to pave the way for negotiation. Again, ASUU, in further show of restraints in spite of evidence that the Government Team was not really ready to negotiate, accepted to resume the meeting for March 12th to 16th 2007.

On March 12 and 13, the Government Team was not better prepared than before. It opened, again, matters that were already deliberated upon. When it was clear that there was no movement away from general discussion, ASUU Team persuaded the Government Team to adopt a structured process of negotiation by negotiating in sequence: Conditions of Service, Funding and Autonomy. We thought that on March 14, 2007, re-negotiation would begin.

What happened on Wednesday March 14, 2007, was a confirmation of all our fears from the beginning. ASUU Team asked two questions: (1) Did the Government Team have a mandate? (2) If so, what was its mandate? To the first question, the Chairman and Leader of Government Team answered yes. To the second, the Chairman answered- that the mandate of the Government Team was to persuade ASUU Team to accept the Consolidated Salaries (CONUASS) that is all. ASUU President and Team Leader replied that this meant that ASUU was being presented with a non-negotiable position.

So, Consolidated Salaries and Allowances are not negotiable; Funding is not negotiable; Autonomy already exists. Government, it was clear, did not want to negotiate. Government Team by the posture made it clear that no negotiation would take in accordance with the principle of collective bargaining.

ASUU Team therefore decided that it no longer made sense to continue with the futile expenditure of time and resources. ASUU Team will report this development to its principal, who will deliberate upon and take decisions on what to do next.

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Thanks for listening.

Dr. Abdullahi Sule-Kano